

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2061 of 2001

Date of decision : January 31, 2007.

Smt. Parveen

... Appellant

versus

Raj Kumar Kakkar and others

... Respondents

**Coram: Hon'ble Mr. Justice Uma Nath Singh
Hon'ble Mr. Justice A.N. Jindal.**

Present: Mr. Arihant Jain, Advocate
for the appellant.

Mr. R.N. Singal, Advocate
for New India Assurance Company Limited.

Uma Nath Singh, J.(Oral)

This F.A.O. arises out of an award/judgment dated 9.2.2001 passed by the Learned Presiding Officer, Motor Accidents Claims Tribunal, Jind, in MACT Case No.63 of 1998, awarding a sum of Rs.2,85,000/- with interest @ 12% per annum in an injury case, where the claimant lady being a young teacher of 25 years suffered 20% disability on account of multiple fractures including fracture on the left humerus shaft, fracture of left clavicle, fracture of vertebrae, fracture of spine (L-1), fracture of right foot, and right shoulder.

This matter was referred to the High Court Lok Adalat but it appears that the insurance company did not come forward to settle the matter with the claimant. Hence, this matter is again placed before us.

We have carefully considered the submissions and perused the judgment.

Admittedly, Rs.1,50,000/- was spent towards medical treatment of the victim in the year 1998 itself. The Court awarded a sum of Rs.10,000/- towards mental pain and suffering, Rs.15,000/- towards conveyance charges, Rs.5000/- towards diet expenses, Rs.5000/- towards attendant charges, and Rs.1,00,000/- on account of permanent disability to the extent of 20%. Looking to the facts that the victim is a young lady who has suffered multiple fractures including serious ones leading to permanent

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disability to the extent of 20%, and further she being employed as a teacher has been incapacitated to perform her duty properly, and further more, she being a young married young lady is at child bearing and tearing stage, we think that the impugned compensation amount is grossly inadequate.

Accordingly, we enhance the amount from Rs.10,000/- to Rs.20,000/- towards mental pain and suffering, from Rs.5000/- to Rs.20,000/- towards special diet, from Rs.5000/- to Rs.20,000/- towards attendant's charges and towards permanent disability grant a further sum of Rs.50,000/-. Thus, the compensation amount is enhanced by Rs.90,000/- which shall carry interest @ 6% per annum from the date of the institution of the application.

With this enhancement, the appeal is partly allowed. The enhanced amount shall be paid directly to the claimant by way of bank draft.

(A. N. Jindal)
Judge

(Uma Nath Singh)
Judge

January 31, 2007.
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